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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,308	04/11/2001	Saleem H. Zaidi	S-041,101	3035
27479	7590	02/17/2004	EXAMINER	
THE LAW OFFICES OF WILLIAM W. COCHRAN, LLC			MUTSCHLER, BRIAN L	
3555 STANFORD ROAD			ART UNIT	
SUITE 230			PAPER NUMBER	
FORT COLLINS, CO 80525			1753	

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/834,308

Applicant(s)

ZAIDI, SALEEM H. 

Examiner

Brian L. Mutschler

Art Unit

1753

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☒ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☒ they raise the issue of new matter (see Note below);  
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

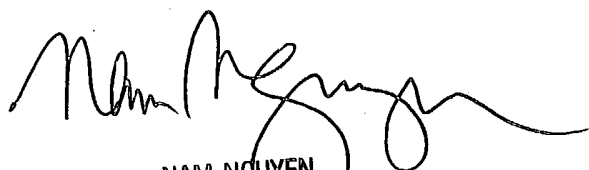
Claim(s) rejected: 1-24.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☐ Other: \_\_\_\_\_

Continuation of 2. NOTE: The limitation "having a period of less than about 1.1  $\mu\text{m}$  does not appear to be supported by the specification. Periods of 0.3  $\mu\text{m}$  to 0.8  $\mu\text{m}$  are disclosed, but support for the range "less than about 1.1  $\mu\text{m}$  appears to be missing." In the response, Applicant states, "[I]t is known that the band edge for crystalline silicon is approximately 1.1  $\mu\text{m}$ " (see page 6 of Applicant's response). This is not sufficient to provide support for the proposed limitation because the specification does not appear to disclose the relationship between the band edge and the period of the grating.

Continuation of 5. does NOT place the application in condition for allowance because: The proposed amendment does not distinguish the instant claims over the prior art. First, Czubytyj et al. teach, "While the present invention is applicable to photovoltaic devices formed from any type of semiconductor material, as for example, crystalline, polycrystalline, or amorphous semiconductor alloys or any combination thereof, disclosure herein is primarily directed to photovoltaic devices formed from amorphous silicon alloys" (see abstract and col. 18, lines 25-31). Second, Applicant admits that Czubytyj et al. teach a grating having a period of less than 1.1  $\mu\text{m}$  (see page 6 of Applicant's response). The current claims do not distinguish the instant invention over the prior art of record because Czubytyj et al. teach a photovoltaic device having a grating formed on the top surface of the device, which generates higher grating orders, causing a greater amount of light to propagate more closely to the surface on which the light is incident.



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